

Patent
51306/805

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Acosta et al.

Serial No.: 10/825,444

Filed: April 14, 2004

For: COMBINED DATA READER AND
ELECTRONIC ARTICLE
SURVEILLANCE (EAS) SYSTEM

Group Art Unit: 2876

Examiner: Paik, Steve

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OCT 19 2004REQUEST FOR INTERFERENCE WITH APPLICATIONCommissioner of Patents
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Dear Sir:

Request for Interference with application pursuant to 37 CFR §41.202

Applicant hereby requests interference with Application Ser. No. 10/061,381.

A. § 41.202(a)(1)-- Identification of patent

Applicants seek to provoke interference with application Ser. No. 10/061,381.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being facsimile transmitted to the United States Patent and Trademark Office 703-872-9306 on the date shown below.

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51306/805B. § 41.202(a)(2)-- Identification of claims that interfere

Claims 1-17 currently pending in 10/061,381

Claims 77-currently pending in the present application.

-- Proposed count:

Count I Alternate Counts

Count I (A) (Corresponds to Claim 79 of the present application):

A checkout device comprising:

a scale assembly including a base portion and a weigh plate over the base portion;

wherein the weigh plate includes an aperture;

a barcode reader between the base portion and the weigh plate, the bar code reader reading a barcode affixed to an item through the aperture in the weigh plate; and

a security label deactivation system between the base portion and the weigh plate which deactivates a security label affixed to the item after the barcode is read by the barcode reader, the security label deactivation system integrated within the scale assembly,

wherein the security label deactivation system includes a magnetic coil assembly for sensing and deactivating the security label.

Count I (B) (corresponds to Claim 90 of the present application)

A checkout method comprising the steps of:

reading a barcode label on an item moving in a path, which crosses an aperture of a scale weigh plate by a barcode reader between the aperture and a scale base portion;

sending a signal to the barcode reader;

enabling a security label deactivation system between the scale weigh plate and the scale base portion and in a downstream position from the barcode reader relative to the path of the item, the security label deactivation system integrated within the scale weigh plate and the scale base portion;

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detecting a security label on the item by the security label deactivation system as the item moves along the path and crosses the security label deactivation system;
deactivating the security label by the security label deactivation system;
demagnetizing a magnetic material in the security label as it passes near a magnetic coil assembly in the security label deactivation system.

-- How the claims correspond to the counts

The claims 77 et seq. of the present application are essentially copied from claims 1-17 of Ser. No. 10/061,381. The differences are noted in the charts below.

C. § 41.202(a)(3)

-- Claim Charts comparing and why the claims interfere

Count I(A): As set forth in the Chart A below, Claim 79 of the present application, corresponding to Count I(A), is virtually identical to Claim 3 of Ser. No. 10/061,381, the only difference being the language set forth in bold letter "the weigh plate" versus "the weigh plate". In order to provide proper antecedent basis for the term, the phrase is properly as set forth in the count.

CHART A

Count I(A) or Claim 79 of the present application	Claim 3 of Ser. No. 10/061,381
A checkout device comprising: a scale assembly including a base portion and a weigh plate over the base portion; wherein the weigh plate includes an aperture; a barcode reader between the base portion and the weigh plate, the bar code reader reading a barcode affixed to an item through the aperture in the weigh plate; and a security label deactivation system between the base portion and the weigh plate which	A checkout device comprising: a scale assembly including a base portion and a weigh plate over the base portion; wherein the weigh plate includes an aperture; a barcode reader between the base portion and the weight plate, the bar code reader reading a barcode affixed to an item through the aperture in the weigh plate; and a security label deactivation system between the base portion and the weigh plate which

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deactivates a security label affixed to the item after the barcode is read by the barcode reader, the security label deactivation system integrated within the scale assembly, wherein the security label deactivation system includes a magnetic coil assembly for sensing and deactivating the security label.	deactivates a security label affixed to the item after the barcode is read by the barcode reader, the security label deactivation system integrated within the scale assembly, wherein the security label deactivation system includes a magnetic coil assembly for sensing and deactivating the security label.
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Count I(B) is an alternate count: as set forth in Chart B below, Count I(B), is virtually identical to claim 14 of Ser. No. 10/061,381 and Claim 90 of the present application, the only difference being the language set forth in bold letters "to an interlock" in claim 14 of Ser. No. 10/061,381 versus "to an interface" in Claim 90 of the present application. It is noted that Claim 90

Count I(B)	Claim 90 of the present application	Claim 14 of Ser. No. 10/061,381
<p>A checkout method comprising the steps of:</p> <p>reading a barcode label on an item moving in a path, which crosses an aperture of a scale weigh plate by a barcode reader between the aperture and a scale base portion;</p> <p>sending a signal by the barcode reader;</p> <p>enabling a security label deactivation system between the scale weigh plate and the scale base portion and in a downstream position from the barcode reader relative to the path of the item, the security label deactivation system integrated within the scale weigh plate and the scale base portion;</p> <p>detecting a security label on the item by the security label deactivation system as the item moves along the path and crosses the security label deactivation system;</p>	<p>A checkout method comprising the steps of:</p> <p>reading a barcode label on an item moving in a path, which crosses an aperture of a scale weigh plate by a barcode reader between the aperture and a scale base portion;</p> <p>sending a signal to an interface by the barcode reader;</p> <p>enabling a security label deactivation system between the scale weigh plate and the scale base portion and in a downstream position from the barcode reader relative to the path of the item, the security label deactivation system integrated within the scale weigh plate and the scale base portion;</p> <p>detecting a security label on the item by the security label deactivation system as the item moves along the path and crosses the security label deactivation system;</p>	<p>A checkout method comprising the steps of:</p> <p>reading a barcode label on an item moving in a path, which crosses an aperture of a scale weigh plate by a barcode reader between the aperture and a scale base portion;</p> <p>sending a signal to an interlock by the barcode reader;</p> <p>enabling a security label deactivation system between the scale weigh plate and the scale base portion and in a downstream position from the barcode reader relative to the path of the item, the security label deactivation system integrated within the scale weigh plate and the scale base portion;</p> <p>detecting a security label on the item by the security label deactivation system as the item moves along the path and crosses the security label deactivation system;</p>

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deactivating the security label by the security label deactivation system; demagnetizing a magnetic material in the security label as it passes near a magnetic coil assembly in the security label deactivation system.	deactivating the security label by the security label deactivation system; demagnetizing a magnetic material in the security label as it passes near a magnetic coil assembly in the security label deactivation system.	deactivating the security label by the security label deactivation system; demagnetizing a magnetic material in the security label as it passes near a magnetic coil assembly in the security label deactivation system.
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D. § 41.202(a)(4)-- Why the present applicant will prevail on priority

The priority dates for the present application and Application Ser. No. 10/061,381 are the same day: February 1, 2002. A cursory view of the respective specifications reveals that the present application has the more complete and detailed disclosure evidencing the more advanced technical position of the present applicant at the time of filing which should indicate a greater likelihood of establishing priority.

E. §41.202(5) and (6)-- Support for Applicant's claims and constructive reduction to practice

The present application clearly has support for the claims corresponding to counts identified above, and provides a constructive reduction to practice, as demonstrated by the claim charts for the respective claims set forth below. Earlier actual reduction to practice is expected to be proven. Though several embodiments provide support for the claims, only one of the embodiments is described below, whereby references to the elements in Fig. 24 are set forth in parentheses:

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Claim 79

A checkout device (800; pg. 14 ¶¶ 66-67) comprising:

a scale assembly (base 856, weigh platter, posts 833-837, load cell 810, spider 835) including a base portion (856) and a weigh plate (shown removed, but also see element 30 of the embodiment of Figs. 1-6 or element 130 in the embodiment of Figs. 7-12) over the base portion;

wherein the weigh plate includes an aperture (window 822);

a barcode reader (some mirrors visible in Fig. 24, for further details see reader 24 of Figs. 1-6; pg. 5 ¶ 35) between the base portion and the weigh plate, the bar code reader reading a barcode affixed to an item through the aperture in the weigh plate; and

a security label deactivation system (850) between the base portion and the weigh plate which deactivates a security label affixed to the item after the barcode is read by the barcode reader (pg. 15 ¶¶ 69, 69a, 69b et seq.), the security label deactivation system integrated within the scale assembly (pg. 14 ¶¶ 66-67; pg. 6-7 ¶¶ 38-39),

wherein the security label deactivation system includes a magnetic coil assembly (pg. 14-15 ¶¶ 68-69) for sensing and deactivating a security label.

Claim 90

A checkout method (pg. 14 ¶¶ 66-67) comprising the steps of:

reading a barcode label on an item moving in a path, which crosses an aperture of a scale weigh plate (weigh plate shown removed, pg. 14 ¶ 66, but also see element 30 of the embodiment of Figs. 1-6 or element 130 in the embodiment of Figs. 7-12) by a barcode reader (some mirrors visible in Fig. 24, for further details see reader 24 of Figs. 1-6; pg. 5 ¶ 35) between the aperture (822) and a scale base portion (856);

sending a signal to an interface by the barcode reader (pg. 15 Par. 69, 69a, 69b et seq.);

enabling a security label deactivation system (850) between the scale weigh plate and the scale base portion and in a downstream position from the barcode reader relative to the path of the item (pg. 5 ¶ 36;), the security label deactivation system integrated within the scale weigh plate and the scale base portion (pg. 14 ¶¶ 66-67; pg. 8 ¶ 47);

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detecting a security label on the item by the security label deactivation system as the item moves along the path and crosses the security label deactivation system (pg. 6 ¶ 37);
deactivating the security label by the security label deactivation system (pg. 6 ¶ 36);
demagnetizing a magnetic material in the security label as it passes near a magnetic coil assembly (850, pg. 15 Par. 69 et seq.) in the security label deactivation system.

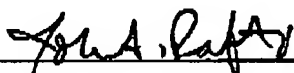
F. Conclusion

It is requested that the Examiner contact the undersigned attorney if any additional information is required or if it is determined that a telephone conference on the matter would be useful.

Respectfully submitted,

Dated: October 19, 2004

By



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